



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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Campo Verde Gen-Tie Project

(EA Number: DOI-BLM-CA-D000-2012-0006-EA)

(Case File Number: CACA-053151)

Decision Record

September 2012

1.0 Introduction

It is the decision of the Bureau of Land Management (BLM) to approve the issuance of a right-of-way (ROW) grant in support of the construction, operation, maintenance, and decommissioning of a generation interconnection (gen-tie) across BLM managed land associated with the Campo Verde Solar generation facility in Imperial County, California.

The BLM's preferred alternative is identified in the Environmental Assessment for the Campo Verde Gen-Tie Project as Alternative 3 – Alternative Gen-Tie Across BLM Land Alternative. This Alternative includes: (1) 0.4 mile length across BLM managed land for construction, operation, maintenance, and decommissioning of an above-ground 230 kilovolt (kV) double circuit transmission line, with 3 conductors per circuit, and use of existing associated access road with newly created temporary 20 foot wide spur roads; (2) an estimated 4 structures located on lands managed by the BLM; (3) a 100 foot by 150 foot area around each structure site cleared of obstructions and temporarily used for construction on the BLM managed lands; (4) approximately 5 tensioning/pulling sites on BLM managed land, with each site resulting 100 foot by 400 foot of temporary disturbance; and (6) an optical ground wire installed underground from the southern structure into the Imperial Valley Substation per San Diego Gas & Electric's requirement.

Because Campo Verde Solar, LLC has not yet acquired the necessary interests in privately held lands to allow construction of Alternative 3, the grant will also include an alternative right-of-way (ROW) grant in support of the construction, operation, maintenance, and decommissioning of a different gen-tie across BLM managed land (Alternative 2 – Proposed Action Gen-Tie), including (1) 0.9 mile length across BLM managed land for construction, operation, maintenance, and decommissioning of an above-ground 230 kilovolt (kV) double circuit transmission line, with 3 conductors per circuit, and use of existing associated access road with newly created temporary 20 foot wide spur roads; (2) an estimated 10 structures located on lands managed by the BLM; (3) a 100 foot by 150 foot area around each structure site cleared of obstructions and temporarily used for construction on the BLM managed lands; (4) approximately 5 tensioning/pulling sites on BLM managed land, with each site resulting 100 foot by 400 foot of temporary disturbance; and (6) an optical ground wire installed underground from the southern structure into the Imperial Valley Substation per San Diego Gas & Electric's requirement. This Alternative may only be developed if Campo Verde Solar, LLC is unable acquire the necessary interests in privately held land to develop Alternative 3, and relinquishes the rights to Alternative 3.

This ROW grant is in response to the ROW application submitted by Campo Verde Solar, LLC for the proposed transmission line on September 9, 2011. In connection with the ROW application the BLM published an Environmental Assessment (EA) on April 13, 2012. The BLM requested public comment for 30 days, until April 13, 2012. No public comments were received.

The above decision is conditioned with the following requirements and information:

If the Applicant is able to connect to the proposed Liebert Substation within the timeframe necessary to fulfill the Applicant's power purchase agreement, then the BLM would not issue a Notice to Proceed for the construction of the Applicant's gen-tie on BLM-managed land.

The existing Imperial Irrigation District (IID) S-line that this Alternative parallels has been approved by BLM for upgrade. Additionally, IID's proposed Liebert Substation would potentially be located on private land immediately to the south of the solar generation facility and could use the upgraded IID S-line to access the Imperial Valley Substation. Development of the Liebert Substation would encourage the co-location of gen-tie lines on private lands for renewable projects located in this general area. If the Applicant could connect to the Imperial Valley Substation via the Liebert Substation, then the gen-tie line for this solar generation facility would be constructed on private lands.

However, since the Liebert Substation has not yet been approved and construction of the upgraded IID S-line has not yet begun, the precise schedule for this connection option is uncertain. For that reason, though this option is feasible and at present appears to be viable, it is possible that the schedule required to meet the Applicant's obligations under its Power Purchase Agreement may, in the future, make this option impractical. Therefore, under this Decision, the BLM would grant a ROW for the Applicant's gen-tie on public lands, as described above. However, before the BLM would issue a Notice to Proceed to begin construction of this gen-tie, the Applicant will be required to show to the satisfaction of the BLM that utilization of the proposed Liebert Substation would be infeasible from a timing perspective or other reason.

Bureau of Land Management Purpose and Need for the Proposed Action

In accordance with the Federal Land Policy and Management Act (FLPMA) (43 United States Code [USC] Section 1701 *et seq.* Section 103(c)), public lands are to be managed for multiple uses in a manner that takes into account the long-term needs of future generations for renewable and non-renewable resources. The Secretary of the Interior is authorized to grant ROWs on public lands for systems of generation, transmission, and distribution of electric energy (FLPMA Section 501(a)(4)). Taking into account the BLM's multiple use mandate, the purpose and need for the action is to respond to the FLPMA ROW application submitted by Campo Verde Solar, LLC to construct, operate, maintain, and decommission the infrastructure gen-tie transmission line from the Applicant's solar generation facility located on private property over public lands administered by the BLM in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws and policies.

In conjunction with FLPMA, the BLM's applicable authorities include the following:

1. Executive Order 12312, dated May 18, 2001, which mandates that agencies act expediently and in a manner consistent with applicable laws to increase the "...production and transmission of energy in a safe and environmentally sound manner."
2. Secretarial Order 3285A1, dated February 22, 2010, which "...establishes the development of renewable energy as a priority for the Department of the Interior."

2.0 Description of Project

Alternative 3 – BLM's Preferred, Primary Approved Alternative

Each alternative analyzed in the Campo Verde Gen-Tie Project EA for the Campo Verde Gen-tie Project consists of a method to connect the proposed private land solar generation project to the Imperial Valley Substation. The alternatives use different pathways for the gen-tie to reach the substation. The main differences in the alternatives are the length of the gen-tie and the pathway.

The portion of the gen-tie located on BLM managed lands is the gen-tie component that requires the issuance of a ROW grant by the BLM. Since the gen-tie in all alternatives that would require a BLM ROW grant are within a designated corridor, the California Desert Conservation Area Plan, as amended, would not need to be amended to accommodate this project. Two of the alternatives, the No Action Alternative and the Private Land Gen-tie Alternative, allow the private land solar generation plant to connect to the Imperial Valley Substation without further action or a decision from the BLM. The solar generation plant was considered as a cumulative effect in the EA.

BLM is approving issuance of a ROW grant for the Alternative 3-Alternative Gen-Tie across BLM Land ("Alternative 3" or "Primary Approved Alternative"). Those project components for the Primary Approved Alternative, as presented in the EA, are described below, and were fully analyzed in the EA. The solar generating facility and a portion of the transmission line and access road will be located on privately owned land and is not within the scope of the ROW grant being issued by the BLM. Prior to the BLM issuing a Notice to Proceed, necessary leases and easements for the private land facilities must be secured by the applicant.

Alternative 2 - Proposed Action, Secondary Approved Alternative

In the event that Campo Verde Solar, LLC is unable to acquire the necessary interests in privately held lands to allow construction of Alternative 3, the grant will allow them to relinquish the ROW associated with that alignment, and construct the alignment described in Alternative 2 – Proposed Action.

The Proposed Action has the same generating facility as the Selected Alternative but varies slightly with respect to the alignment of the gen-tie line. Under the Proposed Action, the gen-tie line would be routed to the west of the Primary Approved Alternative. It would be 1.0 mile long with 0.9 mile on land managed by the BLM. Compared to the Primary Approved Alternative, the Proposed Action would have 6 additional transmission line support structures on BLM managed land than the Selected Alternative. The Proposed Action could permanently impact approximately 0.05 acres, which is the same as the Primary Approved Alternative. The Proposed Action could temporarily impact approximately 7.69 acres, compared to 8.01 acres in the Primary Approved Alternative. Of importance

in this analysis is that the Selected Alternative's temporary impact includes 2.10 acres of non-native fallow agriculture land.

Campo Verde Solar, LLC will be required to relinquish the ROW associated with one of the alternative alignments and BLM will terminate that ROW before Notice to Proceed will be issued to begin construction on the other alternative.

3.0 Decision

Under Federal law, the BLM is responsible for reviewing ROW grant applications to determine whether and to what extent to authorize proposed projects such as gen-ties on land it manages. Because the Campo Verde Solar, LLC is a privately initiated venture that has ancillary facilities sited on lands managed by the BLM, Campo Verde Solar, LLC applied for a ROW grant from the BLM pursuant to Federal law and regulations as described earlier. Based on the information in the EA, the Finding of No significant Impact (FONSI), the Project record, and consultation with BLM staff, I have decided to approve the Selected Alternative as described and analyzed in the EA, which includes a ROW grant covering the southern boundary of the Campo Verde Solar generation facility to the Imperial Valley Substation to accommodate the transmission interconnection line, temporary construction areas, and construction of the spurs. The total approved ROW for the primary selected project is approximately 0.4 mile in length and encompasses approximately 26.9 acres. The secondary selected alternative is described in section 4.0.

The BLM uses SF 2800-14 (ROW Lease/Grant) as the instrument to authorize the ROW grants for the project; they include the Plan of Development (POD) and all other terms, conditions, stipulations, and measures required as part of the grant authorizations. Consistent with BLM policy, the Campo Verde ROW grant will include a diligent development and performance bonding requirement for installation of facilities consistent with the approved POD. Construction of the gen-tie must commence within 12 months after issuance of the NTP but no later than 24 months after the effective date of the issuance of the ROW grant. The BLM will not issue a Notice to Proceed (NTP) to begin construction until Campo Verde Solar, LLC has relinquished the right-of-way for one alternative and BLM has terminated that right-of-way.

As explained in the FONSI, the impacts of the both Approved Actions have been analyzed in the EA and determined not to result in significant impacts to the quality of the human environment, individually or cumulatively with other actions. This decision is conditioned on the implementation of all mitigation measures identified in the POD submitted to the BLM, and incorporated as terms and conditions of the ROW grant. The BLM mitigation measures and analyses of their impacts can also be found in the EA. Failure of the applicant to adhere to these mitigation measures or other terms and conditions in the ROW grant could result in administrative actions up to and including termination of the ROW grant and a requirement to relocate or remove the facilities and rehabilitate disturbances. These measures, terms and conditions are determined to be in the public interest pursuant to 43 CFR 2805.10(a)(1). All practicable means to avoid or minimize environmental harm have been adopted under this decision.

4.0 Alternatives Considered but not Selected

In addition to the Primary Approved Alternative (Alternative 3 – Alternative Gen-Tie Across BLM Land) and the Secondary Approved Alternative (Alternative 2 – Proposed Action), the EA evaluated two additional alternatives that do not involve BLM managed land – Alternative 1 - The No Action

Alternative, and Alternative 4 – The Private Land Gen-Tie Alternative. Each of these alternatives is described briefly below.

Alternative 1 - No Action Alternative

Under this alternative the BLM would not approve the ROW grant for the gen-tie. Under this alternative the proposed generating facility could be completed and that a transmission line would be developed without a need for action from the BLM. An exact location of the gen-tie was not analyzed.

This alternative does not require any Federal approvals or action, as the BLM would not approve the ROW grant for the construction and operation of the gen-tie.

Alternative 4 - Private Land Gen-Tie Alternative

Alternative 4 assumes that the proposed generating facility would be completed and that a transmission line would be developed without a need for action from the BLM. Alternative 4 could permanently impact approximately 0.10 acres, compared to 0.05 acres for the Selected Alternative. Alternative 4 could temporarily impact approximately 10.19 acres, compared to 8.01 acres in the Selected Alternative. All impacts would be on private land.

Under NEPA, this alternative does not require any Federal approvals or action, as the BLM would not approve the ROW grant for the construction and operation of the gen-tie.

5.0 Decision Rationale

This decision approves a ROW for the Campo Verde Solar project, primarily Alternative 3 and secondary Alternative 2 as analyzed in the EA. Both Alternatives address the BLM's purpose and need to respond to a FLPMA right-of-way application submitted by Campo Verde Solar, LLC to construct, operate, maintain, and decommission the proposed gen-tie and associated infrastructure on public lands managed by the BLM from the Campo Verde Solar energy facility to the Imperial Valley Substation in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws and policies. The BLM's decision to approve the Selected Alternative is based on the following considerations:

1. The fact that the generating facility is located on previously disturbed agricultural lands, and that the transmission interconnection line and other ancillary facilities are located in an existing Utility Corridor across BLM managed lands;
2. BLM's determination that the generating facility, transmission line, and other ancillary facilities would have no adverse effect on cultural resources (see below);
3. The primary Selected Alternative will have 6 fewer transmission towers on BLM-managed public lands and is 0.5 mile shorter in length than the secondary alternative, resulting in less ground disturbance on public lands, limiting impacts to Flat-tailed Horned Lizard habitat and other wildlife species and habitat; and
4. Implementation of the mitigation measures identified and analyzed in the EA and incorporated as terms and conditions of the ROW grant.

6.0 Consultation and Coordination

United States Fish and Wildlife Service

The BLM has, consistent with Section 7 of the Endangered Species Act (ESA), engaged in consultation with the US Fish and Wildlife Service (USFWS) related to the federally listed threatened and endangered species potentially impacted by the proposed BLM ROW authorization, including the Yuma clapper rail and the southwestern willow flycatcher. Though the Campo Verde Solar Project will proceed irrespective of any BLM ROW authorization, in June 28, 2012 letter to USFWS, the BLM documented its determination that the proposed BLM ROW and the Solar Project may affect, but are not likely to adversely affect, the Yuma clapper rail and southwestern willow flycatcher. On August 15, 2012, the USFWS issued a letter concurring with BLM's determination that the proposed BLM ROW and Campo Verde Solar Project are not likely to adversely affect the Yuma clapper rail and southwestern willow flycatcher.

Native American Consultation/Coordination and Section 106 Consultation/Coordination

The BLM initiated tribal consultation for the project by letter on November 2, 2011, to identify properties of religious and cultural significance to the tribes. The following tribes or tribal organizations were invited to be consulting parties:

- Barona Band of Mission Indians
- Campo Band of Mission Indians
- Cocopah Indian Tribe
- Ewijaapaayp Band of Kumeyaay Indians
- Fort Yuma Quechan Tribe
- Jamul Indian Village
- Kwaaymii Laguna Band of Indians
- La Posta Band of Kumeyaay Indians
- Manzanita Band of Kumeyaay Indians
- Mesa Grande Band of Mission Indians
- San Pasqual Band of Diegueno Indians
- Santa Ysabel Band of Diegueno Indians
- Sycuan Band of Kumeyaay Nation
- Torres-Martinez Desert Cahuilla Indians
- Viejas Band of Kumeyaay Indians

The BLM did not receive any responses. Additionally, the Campo Verde Project was discussed at several of our staff-to-staff coordination meetings with the Quechan Historic Preservation Officer, John Bathke, and the Cocopah Cultural Resources Manager, Jill McCormick. The meetings with the Quechan occurred on February 14, April 23, May 24, June 25, and July 17, 2012. The meetings with the Cocopah occurred on February 29, March 19, May 17, June 21, and July 19, 2012. In addition to these meetings, we also had a meeting with Quechan Culture Committee on February 24, 2012 to discuss all of the projects that propose to tie in to the Imperial Valley Substation, including the Campo Verde project. There were no government-to-government meetings specifically for this project. We have had no requests from any tribe for meetings or site visits. Throughout the Section 106 and tribal coordination process, the BLM continued to provide updates on the status of the environmental review

process and the Section 106 process, invited the tribes into government-to-government consultation, and requested their help in identifying any issues or concerns.

The BLM, after consultation with the California State Historic Preservation Officer (SHPO), sent a letter to the SHPO, dated May 22, 2012, requesting peer review on the BLM's Determination and Findings for the Campo Verde Solar Project. Neither the SHPO nor any of the consulting parties elected to comment on the BLM's Determination and Findings. As a result, formal consultation under Section 106 between the BLM and the SHPO for the Campo Verde Solar Project ends at the signing of this Decision Record.

In addition to the BLM's consultation, the Applicant contacted the California Native American Heritage Commission (NAHC) about any issues of cultural concern regarding the Project Area. In particular, inquiry was made as to whether there were any Traditional Cultural Properties, Sacred Sites, resource collecting areas, or any other areas of concern in the Project area. The NAHC conducted a Sacred Lands File search of the project area of potential effect (APE) and found Native American cultural resources were not identified within their inventory. However, they were aware of recorded archaeological sites and Native American cultural resources in close proximity to the APE. The NAHC suggested consultation with the following tribes and interested Native Americans who were each contacted by the applicant:

- Gwendolyn Parada - Chairperson, La Posta Band of Mission Indians
- Leroy J. Elliott – Chairperson, Manzanita Band of Kumeyaay Nation
- Monique LaChappa – Chairperson, Campo Kumeyaay Nation
- Carmen Lucas, Kwaaymii Band of Mission Indians
- Keeny Escalanti, Sr. - President, Fort Yuma Quechan Tribe
- Will Micklin – Executive Director, Ewiiapaayp Band of Kumeyaay Indians
- Michael Garcia – Vice Chairman, Ewiiapaayp Band of Kumeyaay Indians
- Jill McCormick – Tribal Archaeologist, Cocopah Indian Tribe
- Bridget Nash-Chrabasz – THPO, Fort Yuma Quechan Tribe
- Preston J. Arrow-Weed, Ah-Mut-Pipa Foundation
- Bernice Paipa – Vice Spokesperson, Kumeyaay Cultural Repatriation Committee

The Applicant also reached out to tribal leaders in October and November, 2011, and site visits were conducted with representatives of the Kwaaymii Band of Mission Indians and the Cocopah Indian Tribe (on December 6, 2011) and with representatives of the Fort Yuma Quechan Tribe (on January 5, 2012).

7.0 Public Involvement

Early Coordination

In order to identify any project specific issues associated with the relevant plans and programs discussed above, the BLM held an interagency meeting in El Centro for the Federal, State, and local agencies with potential interest in the Project. This meeting was held on October 12, 2011 in the BLM El Centro Office and was attended by the following:

- BLM technical specialists
- US Fish and Wildlife Service

- US Border Patrol
- Naval Air Facility (NAF) El Centro
- California Department of Fish and Game
- Imperial County Planning and Development Services

The issues identified were consistent with the missions of each agency and the issues addressed above in the relevant plans and programs. Biological and cultural resources were identified as the primary issues associated with the portions of the project on BLM land.

The Applicant also coordinated with other Federal agencies including the US Army Corps of Engineers, NAF El Centro, and US Border Patrol regarding potential project approvals or project issues. The Applicant also coordinated with State and local agencies including the Regional Water Quality Control Board, Imperial County Air Pollution Control District, and various departments within Imperial County.

EA Public Comment Period

In consideration of the information generated by the early coordination for this project, BLM prepared an EA for the project. By posting of the EA on the BLM's website, the EA was circulated for a 30-day public review period from April 13, 2012 through May 13, 2012. No written comments on the EA were received during that public review period.

8.0 Plan Consistency

The Selected Alternative has been reviewed and found to be in conformance with the following BLM Land Use Plans:

California Desert Conservation Area (CDCA) Plan of 1980, as amended

The proposed gen-tie for the Campo Verde Gen-Tie Project is entirely within a CDCA-designated Utility Corridor. This area is designated as Multiple-Use Class L-Limited Use. As shown in Table 1 in the CDCA Plan, Multiple-Use Class Guidelines, within the Limited Use area, "New gas, electric, and water transmission facilities and cables for interstate communication may be allowed only within designated corridors" (see Energy Production and Utility Corridors Element). The proposed gen-tie line and road spurs within BLM lands are an allowed use under the CDCA Plan because they would be within a designated utility corridor, and therefore the construction and operation of the proposed gen-tie and access road spurs are consistent with the requirements of the CDCA Plan.

Yuha Basin Area of Critical Environmental Concern (ACEC)

In addition to being within a designated utility corridor, the gen-tie component on BLM managed land of the Selected Alternative is entirely within the Yuha Basin ACEC of the CDCA Plan. The Yuha Basin ACEC Management Plan allows for the "...traversing of the ACEC by proposed transmission lines and associated facilities if environmental analysis demonstrates that it is environmentally sound to do so." The analysis in the EA regarding the Selected Alternative satisfies this requirement.

FTHL Rangewide Management Strategy (RMS)


The gen-tie component of the project is also within the Yuha Basin Management Area (MA) for the FTHL. The FTHL RMS discourages surface-disturbing projects within the FTHL MAs; however, the RMS allows cumulative disturbance of up to 1 percent of the total land area in the MAs. For projects proposed within an MA, the RMS encourages siting in previously disturbed areas or in an area where habitat quality is poor. Surface-disturbing activities should be minimized through planning and implementation of appropriate conservation measures and specific measures developed to avoid and minimize direct and indirect impacts to FTHL must be implemented. Even after the implementation of the Selected Alternative, cumulative surface disturbances within the Yuha Desert MA would be less than 1 percent. Additionally, as discussed in the EA and as incorporated into the ROW grant, the surface disturbing activities associated with the Selected Alternative are subject to mitigation measures and design features intended to minimize direct or indirect impacts to FTHL. Thus, the Selected Alternative is consistent with the Yuha Desert Basin ACEC Management Plan and FTHL RMS.

Based on information in the EA, the FONSI, the Project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the CDCA Plan, Yuha Basin ACEC Management Plan, FTHL RMS, Federal Endangered Species Act, Native American Religious Freedom Act, other cultural resource management laws and regulations, Executive Order 12898 regarding Environmental Justice, and Executive Order 13212 regarding potential adverse impacts of energy development, production, supply and/or distribution.

9.0 Final Agency Action

Right-of-Way Authorization

Based on the foregoing, it is my decision to approve a ROW grant to Campo Verde Solar, LLC for the gen-tie line, access road spurs and temporary construction areas for the Selected Alternative as described above, subject to the terms and conditions described therein, the Plan of Development, and all environmental mitigation measures developed by the Department of the Interior and referenced in this Decision Record. This decision is effective on the date this Decision Record is signed.



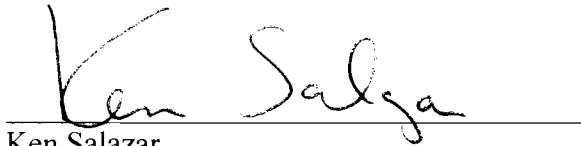
Mike Pool
Acting Director
Bureau of Land Management

SEP 26 2012

Date

Secretarial Approval

I hereby approve this decision. My approval of this decision constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 CFR 4.410(a)(3), is not subject to appeal under Departmental regulations at 43 CFR Part 4. Any challenge to this decision, including the BLM Authorized Officer's issuance of the ROW as approved by this decision, must be brought in Federal district court.



Ken Salazar
Secretary
Department of the Interior

9/26/2012

Date